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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,618	12/16/2003	Bryan Elwood	87334.5940	2670
7590 06/16/2005 BAKER & HOSTETLER LLP Suite 1100 Washington Square 1050 Connecticut Avenue, N.W. Washington, DC 20036			EXAMINER BHAT, ADITYA S	
			ART UNIT 2863	PAPER NUMBER

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/735,618	Applicant(s) ELWOOD ET AL.	
	Examiner Aditya S. Bhat	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 21-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 27-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 and 27-33 rejected under 35 U.S.C. 103(a) as being unpatentable over Petite et al. (USPN 6,437,692) in view of Canada et al. (USPN 5,907,491)

With regards to claim 1, Petite et al. (USPN 6,437,692) teaches an apparatus for monitoring equipment comprising:

a first sensor attached to the equipment for sensing an environmental condition of the equipment; (310; Figure 3C) and

a node configured to receive signals from the sensor, wherein in response to the environmental condition falling outside a range between a first value and a second value, the node is further configured to control a backup system to substantially return the environmental condition to between the first value the second value, (1010; Figure 10)

With regards to claim 2, Petite et al. (USPN 6,437,692) teaches a file stored to the node, wherein the node stores the environmental condition of the equipment to the file. (Col.11, lines 30-32)

With regards to claim 3, Petite et al. (USPN 6,437,692) teaches an alarm to emit at least one of a visual and auditory signal, the alarm being activated by the node in response to the environmental condition being outside the range between the first value and the second value. (Col.15, lines 35-65)

With regards to claim 4, Petite et al. (USPN 6,437,692) teaches
a network; (230; Figure 4) and
a controller to communicate with the node across the network (422; Figure 4)

With regards to claim 5, Petite et al. (USPN 6,437,692) teaches the controller queries the node for the environmental conditions. (325; Figure 3D)

With regards to claim 6, Petite et al. (USPN 6,437,692) teaches a display device attached to the controller to display the environmental conditions. (321; Figure 3D)

With regards to claim 7, Petite et al. (USPN 6,437,692) teaches an input device attached to the controller to provide a user with the capability to program the controller. (Col. 8,lines 28-39)

With regards to claim 8, Petite et al. (USPN 6,437,692) teaches a computer code to control the actions of the node, wherein the controller updates the computer code across the network. (324;Col.9, lines 5-11)

With regards to claim 9, Petite et al. (USPN 6,437,692) teaches an apparatus to remotely monitor equipment, the apparatus comprising:

means for sensing an environmental condition of the equipment, wherein the means for sensing is attached to the equipment; and (110-17; Figure 1)

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node means that is attached to the equipment, the node means comprises:

means for receiving the signal; (110; figure 1)

means for calculating a value based on the signal and a response curve of the sensor; (110:figure 1)

means for comparing the calculated value to a range between a first value and a second value; (422,425; figure 4) and

means for modulating a backup system attached to the equipment in response to the calculated value being outside the first value and the second value. (1010; figure 10)

With regards to claims 10, and 16 Petite et al. (USPN 6,437,692) teaches means for generating a file on the node. (Col. 11, lines 30-32)

With regards to claims 11, and 17 Petite et al. (USPN 6,437,692) teaches means for storing a unique identifier associated with the equipment to the tile. (330; Figure 3B)

With regards to claims 12, and 18 Petite et al. (USPN 6,437,692) teaches means for monitoring the node across a network. (Figure 6)

With regards to claims 13, and 19 Petite et al. (USPN 6,437,692) teaches means for updating a computer code in response to receiving code across the network.

(324; Col. 9, lines 5-11)

With regards to claims 14, and 20 Petite et al. (USPN 6,437,692) teaches means for querying the node across the network for the environmental conditions, and means for receiving the environmental conditions in response to the query. (Col. 9-10, lines 52-67 & 1-10)

With regards to claim 15 Petite et al. (USPN 6,437,692) teaches a method that provides remote diagnostic and control capability for equipment, the method comprising:

querying a sensor attached the equipment, the sensor generating a signal in response to an environmental condition of the equipment; ; (110-117; Figure 1)

receiving the signal; (110; figure 1)

calculating a value based on the signal and a response curve of the sensor; (110; figure 1)

comparing the calculated value to a range between a first value and a second value; (422,425; figure 425) and

modulating a backup system attached to the equipment in response to the calculated value being outside the first value and the second value. (1010; figure 10)

With regards to claim 27, Petite et al. (USPN 6,437,692) teaches the node comprises a power supply (Col.5, lines 21-22) , a CPU, a transceiver and a plurality of sensor inputs. (Refer to figure 2)

With regards to claim 28, Petite et al. (USPN 6,437,692) teaches the node is configured to communicate with a commuter network (Refer to figure 2)

With regards to claim 29, Petite et al. (USPN 6,437,692) teaches the node is configured to communicate wit another node. (Refer to figure 2)

With regards to claim 30, Petite et al. (USPN 6,437,692) teaches the node communicates with the computer network through RS485 communication protocol.

With regards to claim 30, Petite et al. (USPN 6,437,692) teaches the controller is attached to the computer network. (Refer to figure 2)

With regards to claim 32, Petite et al. (USPN 6,437,692) teaches the controller is capable of configuring the node and the sensor.(Col.5, lines 58-61)

With regards to claim 33, Petite et al. (USPN 6,437,692) teaches a second sensor attached to the equipment. (Refer to figure 2)

Petite et al. (USPN 6,437,692) does not explicitly disclose the node is detachably coupled to in immediate proximity of the equipment.

Canada et al. (USPN 5,907,491) teaches the node is detachably coupled to in immediate proximity of the equipment. (Col. 5, lines 9-11)

It would have been obvious to one skilled in the art at the time of the invention to modify the equipment monitor taught by Petite et al. (USPN 6,437,692) to include the detachable node taught by Canada et al. (USPN 5,907,491) in order to have the flexibility of adding more sensor to a machine to be monitored. (Col.2, lines 13-16)

Response to Arguments

Applicant's arguments filed 3/21/2005 have been fully considered but they are not persuasive. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more

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broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

While the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brown et al. (USPN 6,622,115) teaches a managing an environment according to environmental preferences retrieved from a personal storage device

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aditya Bhat
June 13, 2005


John Barlow
Supervisory Patent Examiner
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